

**REAL ESTATE BOARD
MINUTES
JUNE 24, 2010**

PRESENT: Stephen Beers, Peter Sveum, Robert Dueholm, Lisabeth Weirich, Kenneth Lee and Dennis Pierce

EXCUSED: Ryan Schroeder

STAFF PRESENT: Gail Sumi, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

GUESTS: Cori Lamont and Tom Larson, Wisconsin Realtors Association (WRA) and Michael Mulleady

CALL TO ORDER

Peter Sveum, Chair, called the meeting to order at 10:17 a.m. A quorum of six (6) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Add Timeshare discussion under practice issues
- Add Review and Discuss correspondence from Real Estate Appraisers Board.

MOTION: Steven Beers moved, seconded by Ken Lee, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES
APRIL 29, 2010**

Corrections:

- Page 1 of the minutes – Administrative Report - Department Updates and Reminders
 - Peter McCombs introduced himself and is an attorney for the business team.

MOTION: Steven Beers moved, seconded by Dennis Pierce, to adopt the Minutes of April 29, 2010 as corrected. Motion carried unanimously.

**ADMINISTRATIVE REPORT
GAIL SUMI, BUREAU DIRECTOR**

Department Updates & Reminders

Gail Sumi introduced herself as bureau director for today since Ms. Arrington is at a conference. She then introduced John Lease, Division Administrator for the Division of Board Services. Mr. Lease noted that Peter Sveum has completed his last term and this will be his final meeting. Mr. Lease thanked Mr. Sveum for his service and presented Mr. Sveum with a letter and plaque from

Governor Doyle. Mr. Sveum then introduced his replacement, Mr. Michael Mulleady. Robert Dueholm thanked Mr. Sveum for his service and leadership. That sentiment was echoed by many of the members.

Ms. Sumi provided the board with a staff update and provided a brief review of the case advisor policy that was included in the agenda packet. The Board asked that there be some flexibility for members' schedules. It was suggested that the members should notify the Department if they are going to be on vacation or otherwise unavailable for case input for an extended period of time. The Board also asked that before the Department moves on without input from the Board, new case advisors are assigned or the case is referred to the Board chair.

PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA

No presentations were requested.

EXAMINATION, EDUCATION AND EXPERIENCE ISSUES

None.

DIVISION OF ENFORCEMENT ISSUES

Dennie Peterson, DOE, asked the Board to delegate screening of some cases to division staff. After much discussion, the Board decided that they will continue to screen all cases. Ms. Sumi asked that DOE note which cases the intake staff would have closed for future reference.

LEGISLATIVE/ADMINISTRATIVE RULES

Update Related to Rules RL 16 and Rule RL 18

These items will be addressed in December.

Update Related to Rule RL 24

This rule is in process.

PRACTICE ISSUES

Update Related to State Bar Petition and Unlicensed Practice

Cori Lamont, WRA, noted that on June 1, the Supreme Court adopted the rule with the Real Estate Exclusion. The final rule has not been published yet. She also noted that there is a 5 year sunset provision that will allow them to review and revise or repeal at that time.

Update from Forms Committee

Mr. Sveum noted that the Committee will be proofing and formatting WB-14, reviewing WB-11 and beginning WB-13. There will also be some discussion surrounding forms for timeshare sales.

Update Related to Ad Hoc Committee on Education and Experience Recommendation to Department

Ms. McGowan noted that the recommendations of the committee have been forwarded to the Secretary but she has not had a chance to review them yet. She noted that most of the changes will also require statutory changes and therefore will not occur until the legislature returns.

Timeshares

Peter Sveum indicated that there are issues that need to be addressed and asked that timeshare representatives be afforded an opportunity to address the board and share industry concerns related to the practice and forms.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Gail Sumi distributed a letter from the Real Estate Appraisers related to a “Commercial Broker’s Opinion of Value” being used to circumvent the need for an appraisal. Tom Larson, WRA attorney and lobbyist, raised a couple of issues with this letter. There are no examples of harm being done to the public and the letter appears to be a form letter that most likely was sent to all states to raise the issue with the hopes that something will change.

CONVENE TO CLOSED SESSION

MOTION: Lisabeth Weirich moved, seconded by Steven Beers, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Stephen Beers-yes; Peter Sveum-yes; Robert Dueholm-yes; Kenneth Lee-yes; Lisabeth Weirich-yes; Ryan Schroeder – yes; and Dennis Pierce-yes. Motion carried unanimously.

Open session recessed at 11:35 a.m.

RECONVENE TO OPEN SESSION

MOTION: Dennis Pierce moved, seconded by Ken Lee, to reconvene into Open Session at 12:13 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR
ANY RECEIVED AFTER MAILING OF AGENDA**

MOTION: Dennis Pierce moved, seconded by Liz Weirich, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 07 REB 054 No Violation
2. 07 REB 248 Prosecutorial Discretion (P5) for T.D.
Prosecutorial Discretion (P3) for R.P. and
A.2.S.P.R.
3. 08 REB 013 Prosecutorial Discretion (P5)
4. 08 REB 040 Prosecutorial Discretion (P5)
5. 08 REB 052 No Violation for T & C and S.W.
6. 08 REB 053 No Violation for T & C and S.W.
7. 08 REB 078 Prosecutorial Discretion (P5)
8. 08 REB 094 Prosecutorial Discretion (P7) for NZ
Insufficient Evidence for D.M. and M.R.
9. 08 REB 108 Prosecutorial Discretion (P3)
10. 08 REB 109 Prosecutorial Discretion (P3)
11. 08 REB 150 No Violation

DELIBERATION ON PROPOSED STIPULATIONS OR ANY RECEIVED AFTER MAILING OF AGENDA

MOTION: Robert Dueholm moved, seconded by Steven Beers, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matters of Marc W. Davis (07 REB 102), Elizabeth Fuestel and Home Connection, Inc. (07 REB 133), Sandra Kogutkiewicz (07 REB 133), Dale G. Strohbeen (08 REB 052 & 08 REB 053), Peter L. Neuville (09 REB 049) and Shirley M. Jahn (09 REB 049). Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

The Board consulted with legal counsel throughout the meeting as the need was identified.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required documents.

OTHER BOARD BUSINESS

Ms. McGowan thanked Peter Sveum for his leadership, service and administration of this Board for many years. She noted that there will be elections at the next meeting.

Next Meeting: August 26 – 10:00 AM

ADJOURNMENT

MOTION: Dennis Pierce moved, seconded by Robert Dueholm, to adjourn the meeting at 12:22 p.m. Motion carried unanimously.